

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

UNITED STATES OF AMERICA

v.

DARRELL LAMAR WISE, JR.,
Defendant.

CRIMINAL ACTION FILE
NO. 4:13-CR-44-RLV-WEJ-1

NON-FINAL REPORT AND RECOMMENDATION

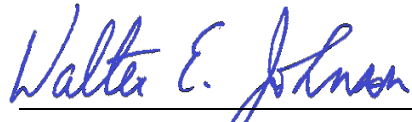
This matter is before the Court on defendant Darrell Lamar Wise's Motion to Suppress Illegally Seized Evidence [31] and Motion to Suppress Statement [32]. On November 20, 2013, the Court conducted an evidentiary hearing [35] regarding the instant Motions, which has been transcribed [39]. The parties have briefed the matter. (See Def.'s Br [38]; Gov't Resp. [44].)

In the Motion to Suppress Evidence, defendant argues that officers seized and searched his vehicle without lawful cause, in violation of his rights under the Fourth Amendment. (Mot. Suppress Evidence 1-2.) In a Motion to Suppress Statement filed therewith, defendant asserts that police violated Miranda v. Arizona, 384 U.S. 436 (1966), by subjecting him to custodial interrogation absent his knowing and

voluntary waiver of Miranda rights. (Mot. Suppress Statements 2.) He further contends that “it is not clear that he was appropriately advised of those rights.” (Id.)

Defendant has conceded that the Court could properly deny the instant Motions. (See generally Def.’s Br.) On the basis of the testimony produced at the hearing, he observes that the Court could reasonably find that officers complied with the Fourth Amendment in seizing and searching his vehicle. (See id. at 1-2.) Likewise, he observes that the Court could reasonably find that a statement he might have made was not obtained in violation of Miranda. (Id. at 2.) Defendant makes clear that while he “is conceding these issues for the purposes of these pretrial motions, he is purposefully NOT agreeing to the validity of these fact[s] or admitting them for the purposes of trial and is NOT withdrawing his motions to suppress evidence and statements.” (Id. at 2-3.) Accordingly for the purposes of ruling on defendant’s Motion to Suppress Evidence [31] and Motion to Suppress Statement [32] only, the undersigned **RECOMMENDS** that those Motions be **DENIED**.

SO RECOMMENDED, this 4th day of February, 2014.



WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE